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Programme budget for the biennium 2016-2017

Revised estimates relating to the programme budget for the biennium 2016-2017 under section 7, International Court of Justice

Report of the Advisory Committee on Administrative and Budgetary Questions

I. Introduction

1. The Advisory Committee on Administrative and Budgetary Questions has considered the report of the Secretary-General containing proposals for the revised estimates relating to the programme budget for the biennium 2016-2017 under section 7, International Court of Justice (A/71/560). During its consideration of the report, the Advisory Committee met with representatives of the Secretary-General, who provided additional information, concluding with written responses received on 21 November 2016.

2. In his report, the Secretary-General indicates that by an order dated 31 May 2016, the International Court of Justice decided to arrange for an expert opinion in the case of the maritime delimitation in the Caribbean Sea and the Pacific Ocean between Costa Rica and Nicaragua. Two experts were appointed by the President of the Court on 16 June 2016. In order to render their opinion, the Secretary-General states that the experts will conduct two site visits, draft a report, answer questions and travel to The Hague to be examined in the related case hearings. In addition, the Registrar has appointed two Registry staff members who will assist the experts including during the site visits.

II. The current situation of the Court

3. The Secretary-General indicates in his report that the overall resources of the Court approved for the biennium 2016-2017 amount to $45,975,700, reflecting a

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net decrease of $5,084,000 (or 10 per cent) compared with the appropriation for 2014-2015.

4. The Secretary-General also indicates that for the first nine months of the biennium, the Court had spent 37 per cent of the budget appropriation for the biennium, which is, according to the Secretary-General, a standard pace of expenditure for the Court (see A/71/560, para. 17). As at 21 October 2016, the Court had rendered five judgments and received three new applications and one request for provisional measures in 2016, with 11 cases pending (ibid., para. 5). Upon enquiry, the Advisory Committee was informed that the Court intended to respect the distribution of resources between the different objects of expenditure as set out in the approved initial appropriation for 2016-2017.

III. The resource requirements

5. The estimated requirements to carry out the Court's order amount to $170,000. The Advisory Committee notes that in table 1 of the report of the Secretary-General, which specifies the additional resource requirements by object of expenditures, the entire proposed appropriation of $170,000 is listed under "Consultants". However, the Advisory Committee was informed upon enquiry that the required resources include the following:

- Two experts: $145,283 in estimated expenditures made up of: (a) honorariums ($84,000); (b) travel on two planned missions ($27,130); (c) travels to The Hague for hearings ($14,662); (d) trip to The Hague before hearings ($9,745); and (e) trip to The Hague after hearings ($9,745).
- Travel on mission of two Registry staff members: $20,092 to cover the costs of two missions.
- Other costs: $4,913, including the costs of satellite images.

6. It is proposed that these requirements will be met as follows:

- $50,000, which was already provided by the Secretary-General in accordance with General Assembly resolution 70/250 on unforeseen and extraordinary expenses for 2016-2017. The related appropriation will be sought in the context of the first performance report.
- $120,000, which is requested in the present revised estimates under section 7, International Court of Justice.

7. The Advisory Committee was informed, upon enquiry, that the revised estimates were presented with reference to the special status conferred upon the International Court of Justice under financial regulation 2.14 of the Financial Regulations and Rules of the United Nations. According to the Secretary-General, the proposal is different from the revised estimates triggered by mandates issued by the General Assembly and the Security Council, as set out under regulation 2.8. It is therefore proposed that the requested expenditures are not to be charged against the contingency fund.

IV. Travel of staff members

8. The expenditure breakdown as indicated above includes $20,092 to cover the travel costs of two Registry staff members assigned to the experts. Upon enquiry, the Advisory Committee was informed that the assistance of the two Registry staff members was essential for ensuring the proper and independent exercise of the experts' duties. The appointment of such Registry staff members has occurred once previously (Corfu Channel case (*United Kingdom of Great Britain and Northern Ireland vs. Albania*)). **While recognizing the need for the two accompanying staff members in the present case, the Advisory Committee considers that each case should be considered on its own merit without creating a precedent for future cases.**

9. The Advisory Committee considers that the expenses related to the two trips of the two Registry staff members, between The Hague and the field sites, should be absorbed by the budget of the Court in the initial appropriation for 2016-2017, within the resources already authorized under non-post objects of expenditure. The Committee notes, in this regard, that the initial appropriation for staff travel amounts to $91,300 for the biennium 2016-2017, out of which only $32,700 has been spent as at 30 September 2016, leaving an unspent balance of $58,600. **Consequently, the Advisory Committee recommends that requirements in the amount of $20,000 be absorbed within the Court's overall appropriation for non-post resources.**

V. Conclusion

10. The actions requested of the General Assembly are listed under paragraph 18 of the report of the Secretary-General (A/71/560).

11. **Taking into account the comments and recommendations above, the Advisory Committee recommends that the General Assembly authorize the Secretary-General to enter into commitments in the amount of $100,000 to provide for the requirements of the International Court of Justice for the biennium 2016-2017 and requests that the Secretary-General report thereon in his second performance report.**